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Before the Federal Communications Commission Washington, D.C 20554

APR 1 4 1997

Federal Communications Commission Onice of Secretary

In the matter of)
JAMES D. SLEEMAN) MM Docket No. 97-73
Snow Hill, Maryland) RM-9012
)
Amendment of Section 73.202(b))
Table of FM Allotments)
FM Broadcast Stations)
Snow Hill, Maryland)

COMMENTS TO NOTICE OF PROPOSED RULE MAKING

April 14, 1997

Chief, Allocations Branch

Before the Commission for consideration is a petition for rule making filed by James D. Sleeman ("Sleeman"), proposing the allotment of Channel 266A at Snow Hill, Maryland, as that community's first local broadcast service.

In support of his request, Sleeman provided an engineering statement that indicates Channel 266A can be allotted to Snow Hill. According to Sleeman, Snow Hill possesses all of the normal attributes of a community, as that term is used for allotment purposes. Snow Hill is located on the Maryland Eastern Shore and is part of Worcester County. Sleeman states that Snow Hill is the County Seat for Worcester County, is incorporated, listed in the 1990 Census and has its own post office and zip code. Sleeman also states that he will work with the City of Snow Hill and Worcester County governmental agencies, churches, clubs and civic organizations and will meet his obligation of providing public affairs and public service programs.

A Commission staff engineering analysis indicates that Channel 266A can be allotted to Snow Hill consistent with the minimum distance separation requirements of the Commission's Rules provided there is a site restriction 6.9 kilometers (4.3 miles) east of the community.

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Channel No.

Community Present Proposed

Snow Hill, Maryland 266A

The Petitioner ("Sleeman") restates that he will apply for Channel 266A, at Snow Hill, Maryland if it is allotted and authorized. He will build the station promptly as required by the Commission.

Gregory S. Bojko ("Bojko"), by his attorney, has submitted Comments and Counterproposal in the proceeding.

In this proceeding, the Chief, Allocations Branch, proposes to amend the Table of FM Allotments to allot Channel 266A to the community of Snow Hill, Maryland, as its first local FM broadcast service. As the chief points out, Snow Hill is an incorporated community, having a population of 2217 persons (1990 Census). Bojko does not disagree with the foregoing assertion.

There is, however, in nearby Virginia, a larger community which, like Snow Hill, presently has no local FM broadcast service. That community is the community of Chincoteague. Chincoteague is incorporated and is governed by a major and council. It has all of the characteristics of an incorporated community, including its own post office, police department, fire department and other city services. A list of the current councilmen and the major is attached hereto and marked Exhibit A.

Chincoteague is larger than Snow Hill. In fact, the 1990 Census population of Chincoteague is 3572 persons. Thus, in a comparison between Chincoteague and Snow Hill, the mandate of Section 307 (b) of the communications Act would appear to dictate that, if Channel 266A can be placed in either Snow Hill or Chincoteague, the public interest would be better served by allocating the channel to Chincoteague.

Bojko is a resident of the State of Maryland. He makes his living as a contract engineer. he has engaged Dataworld to prepare a study to determine whether Channel 266A can be allocated to the community of Chincoteague. The results of that study are attached hereto and marked Exhibit B. As shown, based upon a reference point located at the main post office in Chincoteague, the Channel may be allocated to Chincoteague, Virginia, in full conformity with all of the requirements of the Commissions rules and regulations.

Bojko proposes that Channel 266A be allocated to Chincoteague, Virginia, instead of the Snow Hill, Maryland.

The Petitioner feels this matter should be based on a "First Come, First Served" basis, the Petitioner would like to suggest to the commission that Channel 291, as a class "A" could be placed at Chincoteague, VA. To the best of my knowledge this channel was assigned to Exmore, Virginia, but was never activated.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I, JAMES D. SLEEMAN, do hereby certify that copies of the foregoing have been sent via first class, U.S. Mail, postage prepaid, this 14th day of April 1997, to the offices of the following:

Law Office of: LAUREN A. COLBY 10 E. Fourth Street P.O. Box 113 Frederick, Maryland 21705-0113

JAMES D. SEEEMAN